

The MISES REVIEW



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IN DEFENSE OF MISESIAN ETHICS

*Ethics as Social Science:
The Moral Philosophy of
Social Cooperation*

LELAND B. YEAGER
EDWARD ELGAR, 2001
VIII + 334 PGS.

To those who know Leland Yeager's work, it will come as no surprise that he has given us an illuminating book, informed by careful thought and wide-ranging scholarship. Professor Yeager finds much of contemporary moral philosophy unsatisfactory, and he offers as an alternative view a variety of utilitarianism. In my opinion, his ambitious project does not entirely succeed; but we can learn much from his valiant attempt.

To philosophers tempted to dismiss him as an outsider, he has a ready response. Precisely his expertise as an economist fits him for the immense task he has undertaken. Yeager puts the point in this way: "Economists are professionally equipped to deal

GARRISON VS. KEYNES

ROGER W. GARRISON

*Time and Money:
The Macroeconomics of
Capital Structure* 7

ONE DAMN THOUGHT AFTER ANOTHER

MARK SKOUSEN

*The Making of Modern
Economics: The Lives
and Ideas of the Great
Thinkers* 11

THE INDEFENSIBLE ABE

HARRY V. JAFFA

*A New Birth of Freedom:
Abraham Lincoln and
the Coming of the Civil
War* 16

THE TRULY GREAT GENERATION

JUSTUS D. DOENECKE

*Storm on the Horizon:
The Challenge to
American Intervention,
1939-1941* 22

KNOCKOUT PUNCH

JOE SOBRAN

*Hustler:
The Clinton Legacy* 25

A Quarterly Review of Books, by David Gordon

with ethics not only because they recognize what scarcity implies for interpersonal conflict and cooperation but also because they are alert to regularities and patterns in human affairs that may not have resulted from anyone's deliberate intentions" (p. 9).

To understand our author's case, one must first grasp his indictment of non-utilitarian ethics. As he sees matters, statements about what one ought to do cannot be derived from factual premises alone, as David Hume demonstrated long ago. Somewhere in one's ethics, one must introduce one or more value judgments, and these do not admit of complete objectivity. Faced with this situation, many have been tempted to follow a barren path. They maintain that their value judgments rest on moral intuitions that convey an insight into reality. Such assertions arbitrarily claim authority for one's own preferences.

Other philosophers seek to escape the threat of the subjective in another way. They allege that reason establishes certain ethical truths; one must acknowledge these, or be branded irrational. Professor Yeager finds all such

claims unacceptable. Readers of *The Mises Review* will be interested to find that Murray Rothbard does not escape his far-flung condemnation; he too, Yeager avers, dogmatically insists on the truth of his own arbitrary judgments.

But has not our author painted himself into a corner? Ethics, he says, cannot do without value judgments, yet these cannot be demonstrated. You must either take them or leave them. If so, how can Yeager escape his own indictment? Will he not give us an ethic that rests on his subjective judgments? Why are his preferences less arbitrary than, say, Rothbard's?

To this he has an ingenious answer. Value judgments cannot be avoided, but their use can be minimized. In particular, Yeager proposes what he deems a noncontroversial assertion as his fundamental value judgment: happiness is better than misery. "If pressed to explain why happiness and misery are intrinsically good and bad, most people (or I anyway) would merely say something to the effect that they just are; one cannot explain anything so obvious; one either sees it or does not" (p. 30).

Given this patently evident judgment, Professor Yeager is in business. All else in ethics stands before the bar of reason and fact. If Yeager has not been able totally to excise unsupported value judgments, his sweeping use of Occam's razor has rendered his problem manageable.

Let us grant the author his fundamental value judgment; what ethical guidance does he derive from it? He maintains: "one means to satisfying it

The **MISES REVIEW**

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[the happiness of individuals] is so pervasively requisite that it becomes almost a substitute criterion. It is social cooperation, which means a well-functioning society—the whole complex of institutions, practices, and precepts whereby people can interact peacefully and to mutual advantage” (p. 13). Our author has here been much influenced by Henry Hazlitt’s *The Foundations of Morality*, which is “the best single book on ethics that I know of” (p. vii).

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Here indeed is ethics in the style of Hazlitt and also of Mises, for whom the vital importance of social cooperation is a constant theme. Since social cooperation, as Mises has abundantly shown, can best take place in an unhampered market economy, we arrive at a result that I find appealing. Much of ethics consists in promoting the virtues and institutions that best fit the free market.

When I read Yeager’s paean to social cooperation, I thought of an objection;

but our author has forestalled me. He writes: “critics sometimes object . . . [that utilitarianism] fails to settle the controversy over abortion, or, one might add, over capital punishment. . . . Pondering such issues may require looking beyond the proxy moral criterion of social cooperation to more nearly direct effects on individual happiness and to particular facts of specific cases” (p. 293).

I read this passage with the shock of recognition. Several years ago in these pages, I raised this objection: “Yeager clearly has identified a central element in ethics, but I doubt that the sum and substance of morality can be derived from social cooperation alone. How, as an instance, does social cooperation bear on the rightness or wrongness of abortion?” (*The Mises Review*, Summer 1995, p. 21).

Professor Yeager has replied to my objection with characteristic directness. He need not appeal to social cooperation to decide the morality of abortion. That, after all, is only the proximate criterion of morality. The ultimate criterion is happiness, and that must be our resort, should the proximate criterion leave us in doubt.

As it seems to me, Professor Yeager has escaped my problem only to land himself in a more severe difficulty, one that strikes at the root of his ethical system. A great advantage of using social cooperation as a criterion is that one can often readily tell what measures will advance it. We can safely say, e.g., that, judged from the point of view of social cooperation, tariffs and minimum wage laws must be rejected.

The situation changes completely if one directly brings to bear the ultimate criterion, happiness. By itself, the judgment "happiness is better than misery" tells us little. Whose happiness is to be considered? All human beings? All sentient creatures, as Bentham thought? Only the members of a certain race, nation, or class? Are we to take account only of individuals who now exist, or do future generations also matter? And what, by the way, is meant by happiness?

But, it may be said, I am here being grossly unfair. The issues I have raised are well known to Professor Yeager. Several of them he discusses in the book. Why should I suppose that the mere fact that these and other questions must be answered in some way or other poses a major difficulty for his approach?

The problem, I suggest, is this: Yeager wishes to cope with value judgments by minimizing their ungrounded use. Accordingly, he claims to assume only one fundamental value judgment—fundamental in the sense that it rests on no argument. Further, the fundamental principle he advances is one it seems impossible to reject: happiness is better than misery. Who but a misanthrope could cavil at this?

But Yeager's bold tactic fails, because in order to answer the questions posed above, he must resort to additional value judgments, ungrounded in the fundamental judgment. Should one, in thinking about the morality of abortion, take account of the interests of both the mother and the fetus? It is no good to repeat, "Happiness is better

than misery"; the question we need to answer is, whose happiness? Our answer as regards abortion may turn out to depend on whether fetuses are to be included among those whose happiness is to be taken into account. Nor will it do to allege that social science can tell us that society will be happier if our question is answered in a particular way. Once again, the question arises, who is to be included within society?

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If, then, one fills out the fundamental value judgment in a way sufficient to answer controversial moral issues, one will find oneself saddled with a large number of other value judgments. Whether these are fundamental judgments, in the sense that they are not derived from more basic premises, I do not know. But Professor Yeager's fundamental value judgment does not suffice to ground them, and he then has not shown his approach to ethics less arbitrary than the intuitionist rivals he so readily condemns.

Professor Yeager, ever resourceful, has anticipated a criticism related to, but not identical with, my own. He considers the charge that utilitarianism is vacuous. "Many critics . . . see the defensive maneuvers available to utilitarians as evidence of how feeble their position is in the first place. Utilitarianism is called plastic or vacuous or tautological, evading any challenge by transforming itself or wriggling away" (p. 227).

In response, Yeager lists a large number of ethical systems at variance with utilitarianism; his favored doctrine is not at all empty. Clearly, he is right: the fundamental value judgment, e.g., rules out the principle "maximize misery." But this rejoinder does not suffice to turn my difficulty aside. I claim not that Yeager's variety of utilitarianism is empty, but that it requires more value judgments than he bargains for.

"But," Yeager may reply, "my system has at least this to be said for it, against its many rivals. They claim that certain ethical truths, e.g., our duty to

keep promises, have a basis independent of utility. Is this not senseless? If something does not promote happiness, what can be the point of accepting it? Would we not have here an instance of blind rule worship?"

The argument that I have just suggested Yeager might make rests on a fallacy. Let us imagine an ethical rule that had consequences disastrous for happiness, e.g., never permit food to pass your lips. Would we not at once

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laugh out of court anyone so foolish as to claim this practice to be ethically required? No doubt; but here danger threatens.

It does not follow from the fact that we would abandon a rule, if it led to enough unhappiness, that happiness is our real criterion of ethics. A further example will I think make evident the fallacy. I would do a great deal to avoid losing all my money; but it hardly follows that my supreme goal is to make as much money as possible.

Professor Yeager, I regret to say, falls into this mistaken pattern of inference. He states: "Suppose two situations: (1) rights are fully respected but people are miserable; (2) rights are taken casually but people are happy. Which situation is preferable? . . . If, faced with the need to choose, one is unwilling to prefer rights over happiness, isn't one giving up any claim that a rights approach is distinctive and takes precedence?" (p. 225).

By no means. Someone can hold, with entire consistency, both that a rights claim should be abandoned if it leads to enough unhappiness, and also that the claim has a moral basis independent of happiness.

Even if successful, my arguments do not show that Professor Yeager's system is wrong, but only that he has failed to prove its superiority to rival approaches. I propose, in conclusion, to compare Yeager's indirect utilitarianism with Murray Rothbard's different conception of political ethics.

As one might anticipate, Yeager criticizes Rothbard for dogmatic reliance on a few favored moral intuitions. "Rothbard . . . tries to deduce all sorts of specific judgments from a few axioms about rights. These include the right of self-ownership, the right to property acquired through the Lockean process of mixing one's labor with hitherto unowned resources, and the right to property acquired through voluntary transactions" (p. 277).

Rothbardians who ask what Yeager wishes to put in place of these axioms are in for a pleasant surprise. Our

author himself accepts them, on utilitarian grounds. Rothbard might have written his defense of self-ownership: "If each person does not own his own body, who does? Other particular persons? . . . Or is each person to be owned collectively, by everybody? How workable would each of these alternatives be? Would its consequences be coherent with a society of effective and happy men and women? Almost certainly not" (p. 272). I commend to the reader the entire page as a brilliant exercise in Rothbardian thought.

If Yeager accepts principles quite similar to those of Rothbard, why does he condemn him as dogmatic? Yeager's complaint is that Rothbard deduces from the axioms various consequences that he considers implausible; the example he stresses is that Rothbard considers libel and slander legally permissible.

But what exactly is Professor Yeager's complaint? Does he admit that the consequences follow from the axioms? If they do, how does Yeager avoid accepting these conclusions, since he too accepts the axioms? And if they do

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not, then Rothbardians will gladly expunge them from their ethics. But Yeager may have something else in mind. He may mean that even if the conclusions about libel and slander proceed properly from the axioms, they should still be rejected on utilitarian grounds. We should not accept what follows from our axioms, come what may. Should we not be willing to

Professor Yeager sheds light on an enormous number of issues in the course of his wide-ranging book.

modify our axioms, to avoid conclusions sufficiently unpalatable?

I do not see why a Rothbardian should reject this. Yeager himself notes that Rothbard offers utilitarian arguments in defense of his views about libel and slander. But, our author claims, “[r]esort to them almost concedes that the program of deriving all policy stances from a very few axioms about rights does not work after all” (p. 279). I should prefer to say that resort to them shows that Rothbard’s program is less dogmatic than Yeager thinks. Once more Yeager wrongly supposes that any use of

utilitarian considerations entails total surrender to that system.

Professor Yeager sheds light on an enormous number of issues in the course of his wide-ranging book. I especially recommend his incisive discussion of democracy (pp. 245–47); the analysis of John Harsanyi’s treatment of utility (pp. 123 ff.); and the spirited reply to Bernard Williams’s criticisms of utilitarianism (pp. 149–51). ♦

GARRISON VS. KEYNES

*Time and Money:
The Macroeconomics of
Capital Structure*

ROGER W. GARRISON
ROUTLEDGE, 2001
XVI + 272 PGS.

Roger Garrison’s long-awaited book compares and contrasts Austrian business cycle theory with a number of other approaches, including Monetarism, New Classicism, and New Keynesianism; but I propose to concentrate on only one strand in this rich volume. Professor Garrison has given us an outstanding account of Keynesian economics; after reading his comparison of the Austrian model with that of Keynes, I understood much more clearly than ever

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before what is at stake in the conflict between the two schools.

Suppose that in an economy, spending on consumer goods falls. Must depression inevitably ensue? Not at all, say the Austrians. Resources can shift into the production of capital goods. As Hayek in particular stressed, following Böhm-Bawerk, production can be divided into several stages, depending on the distance of the product from consumption goods. Mining iron ore takes place at a much higher stage than inserting a steel plate in a gunshot victim's head.

So long as resources can freely shift from lower to higher stages of production, "capital-based macroeconomics" contends that a fall in consumer spending need not occasion disaster. "Capital-based macroeconomics is designed to show that quite independent of any movements in the general price level, the adjustment of relative prices within the capital structure can bring the intertemporal allocation of resources in line with intertemporal consumption

preferences without idling labor or other resources" (p. 53).

But all is not for the best in this best of all possible worlds: We must cope with the malign hand of government. Should the financial authorities, in a misguided attempt to spur production, increase the supply of bank credit, dire results may impend. If the interest rate is driven below the "natural rate," primarily determined by people's preferences for present over future goods, investors might be misled. They may shift unduly to higher stages of production, not realizing that lower interest rates reflect, not a genuine decrease in time preference, but rather financial manipulation. When interest rates rise again to their "true" level, overly optimistic investments face collapse. The process of adjustment to the actual preferences of consumers is precisely, in the Austrian view, the downturn phase of the business cycle.

Garrison skillfully parries a major objection to this approach. Why should investors be misled by the expansion of bank credit? Will not experienced investors tend to treat with caution the new influx of money? As our author notes, so long as businessmen fail to adjust their expectations perfectly, the interest rate will fall; and the prospect of a boom-bust cycle impends. "The notion that the central bank cannot, even for a short period, reduce the rate of interest is as implausible as the notion that it can fool the economy—permanently—into behaving as if market participants are more future-oriented than they actually are" (p. 78). Incidentally, I do

not understand why Professor Garrison calls "glib" Mises's response to Ludwig Lachmann's article (p. 17) on expectations in *Economica* (1943). I should have thought that Mises's main point was identical with Garrison's: The severity of the cycle depends on the extent to which businessmen have elastic expectations.

Lord Keynes had an entirely different view. A sharp decrease in consumption spending would lead, not to a shift of investment to higher stages of production, but to a general economic downturn. Because of lowered consumer spending, businessmen's expectations will tend to the pessimistic. Far from shifting their funds to a different stage of production, they will shrink from investment altogether.

As Garrison makes clear, the problem for Keynes does not lie in wage rates that do not adjust downward to decreasing demand. "The stickiness or flexibility of the wage rate, then, is not at all essential to our understanding of the problem identified by Keynes. The behavior of the wage rate has implications only for the particular way that the problem manifests itself" (p. 149). The primary problem, once more, is expectations: on the market, these are governed by "animal spirits" and are in essence irrational. If business investors fear the worst, the economy will face partial or total collapse.

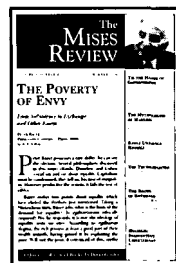
Here we confront a clear choice. In the Austrian view, investors will meet changes in patterns of spending by shifts in the structure of production. Unless misled by governmental high jinks, they need encounter no major

obstacles to these changes. To Keynes, in contrast, investment is volatile and irrational. Gripped by an attack of pessimism, investors will unintentionally cause economic collapse. How can we decide between these conflicting visions?

Our author has uncovered an issue vital to a rational response to our query. Why was Keynes so concerned with irrational expectations? Why, in brief, was he so much in fear of fear? Did Keynes simply generalize too readily from the exceptionally bad conditions of the 1930s? Garrison shows that the primary focus of Keynes's concern lay elsewhere.

To Keynes, the business cycle was of secondary significance. He denied "that counter-cyclical policies narrowly conceived can save the market economy. Its flaws are too deeply rooted for that. The decentralized decision making, which is heart and soul of the market economy, must be eliminated or at least severely restricted" (p. 180). When Keynes spoke of a permanent tendency to unemployment under capitalism, he

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had principally in mind a different issue from that which concerned his critics.

Even a prosperous capitalist economy would not meet Keynes's extravagant demands. Because the capitalist economy rests on the expectations of investors, production and employment fall far short of what they could be. Suppose investment were centralized

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under control of the government. No longer would we be at the mercy of evanescent animal spirits. The interest rate would fall to next to nothing, capital would be available without limit, and prosperity would rise to undreamed-of heights. Keynes "argues from the belief that in a society with ideal economic institutions the rate of interest would be zero to the conclusion that in our society, with its less than ideal economic institutions, the

rate of employment is too low" (p. 185).

Once one sees Keynes's underlying premise, his system loses its plausibility. He, like many critics of the market, has constructed for himself a utopia "that never was, on sea or land," and has used this to find capitalism deficient. Judged by ordinary standards, capitalism has not been shown to stand in danger of "unemployment equilibrium." Only on the basis of his unsupported claim that a radically better economic system is in the offing does his indictment of the free market make sense. Small wonder that Mises mocked Keynes's pretensions to perform the miracle of turning stones into bread.

But what if Keynes abandoned these far-flung claims? If one restricts his theory to ordinary business cycles, how should we choose between it and the Austrian account? Here I wish that Professor Garrison had been clearer as to the criteria for choice we should adopt. Does the bare existence of the Austrian theory suffice to refute Keynes's claim that an attempt to save more by reducing consumption "will necessarily defeat itself" (p. 160, quoting Keynes)? Suppose Keynes admitted that Hayek's model defines a possible course of the economy. Might he not still contend that his system was preferable? I am not altogether clear how our author thinks Austrians ought to respond.

Professor Garrison's analysis of Keynes provides me a welcome occasion to mount a hobbyhorse. G.L.S. Shackle, Ludwig Lachmann, and others who stress the radical uncertainty

of the future often appeal to Keynes to support their skeptical doctrine. But Garrison makes evident that the uncertainty that troubled Keynes was a specific difficulty with market conditions. Investment under socialized control would in his conception not be uncertain. Thus his system does not rest on some mysterious philosophical argument that rules out knowledge of the future.

Professor Garrison addresses a great many other topics in this outstanding book. I commend to readers especially his attempt to show that Austrian theory is compatible with monetary disequilibrium theory in the style of Leland Yeager.¹ ♦

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¹The characterization of Henry Hazlitt's *Failure of the "New Economics"* as "the work of an unreceptive and hostile eavesdropper" (p. xi) seems to me much too harsh.

ONE DAMN THOUGHT AFTER ANOTHER

*The Making of Modern
Economics: The Lives and
Ideas of the Great Thinkers*

MARK SKOUSEN
M.E. SHARPE, 2001
XV + 487 PGS.

Mark Skousen is not easy to satisfy. "In 1980," he informs us, "I asked Murray Rothbard to write an alternative to Robert Heilbroner's *The Wordly Philosophers*" (p. 9). Skousen wanted a popular history of economics, aimed to counter the statist bias of Heilbroner's widely circulated work. In response, Rothbard wrote one of the great works of twentieth-century scholarship, *An Austrian Perspective on the History of Economic Thought*.

One might think Skousen would be overjoyed. How many people have the opportunity to sponsor a masterpiece? But Skousen does not see things this way. Rothbard took fifteen years to complete two volumes; and these did not finish the job, since the second of the two volumes does not get beyond Marx. Further, although the book contains "stimulating" insights, Rothbard is grievously in error about Adam

Smith. "It was a troubled finish for a man who held so much promise" (p. 383).² He tells us with apparent satisfaction that he never paid Rothbard his full advance.

If Rothbard did not meet Skousen's exacting standards, only one course of action remained open. Skousen would have to do the job himself, and the result we have before us to examine. He offers us a simple story, told in an engaging way. Economics begins with

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Adam Smith, who realized the great scope for human progress that a market economy provides. Smith's pioneering analysis led other economists, e.g., Jean-Baptiste Say, to develop the case for freedom of exchange; and Skousen has a useful section on Say's law of markets.

²Mr. Skousen seems to have some difficulty with Rothbard's age. He says that Rothbard died at age sixty-five, instead of sixty-eight (p. 11). He wrongly gives 1928 as the year of Rothbard's birth (p. 382), but even this incorrect figure does not support an age of sixty-five years.

But soon a counter-tradition emerged. David Ricardo and Thomas Malthus viewed the economy as subject to rigid laws that doomed most people to a life barely above subsistence. Though the classical economists did not wish to replace capitalism with some other system, matters were far different with the deviant Ricardian, Karl Marx. As Marx saw matters, the growing impoverishment of workers would lead to the revolutionary overthrow of capitalism and its replacement by socialism.

The battle between Smithians, who saw the liberating power of the market, and their pessimistic opponents did not end with Marx. The marginalist school of Menger, Jevons, and Walras destroyed the main weapon of the pessimists, the labor theory of value. Under the new subjective theory of utility, one could readily show that workers are not exploited under capitalism. Ludwig von Mises and Friedrich von Hayek extended the case for the market by showing that the main rival system, socialism, must inevitably collapse into chaos.

But once more the struggle continued. The Darwinian analysis of Thorstein Veblen viewed the market with misgiving; Veblen hoped for a society guided scientifically by engineers and other technicians. His ideas did not win general acceptance among economists, but another critic of the market had much greater success. John Maynard Keynes's *General Theory* (1936) convinced most of his contemporaries that an unhampered free market could not guarantee full employment. In the

end, though, Skousen awards the honors to the optimists. Milton Friedman undermined from within the main tenets of Keynesianism.

Skousen tells his dramatic story with a notable flair for colorful facts. Readers will learn spicy details about the relationships of Hayek, Veblen, and Schumpeter with women. Was A.C. Pigou a Soviet agent? Why did Max Weber and Joseph Schumpeter engage in a fierce argument? Readers will no doubt find amusing the photograph of the author standing next to Jeremy Bentham's preserved body.

Though the book reads well, I find myself compelled to issue a warning. The book is a disaster. Skousen has virtually no feel for history. He misunderstands important issues; and, like Disraeli's wife, he cannot remember which came first, the Greeks or the Romans.

As already mentioned, Skousen does not agree with Rothbard's criticisms of Adam Smith. Rothbard contended that, in many areas, Smith led economic analysis along the wrong path. To Skousen, "[t]he story of modern economics began in 1776 [when *The Wealth of Nations* was published]"

(p. 13). But Skousen himself, without noting how this damages his claim, takes over one of Rothbard's key points. "The Spanish scholastics in the sixteenth century determined that the 'just price' was nothing other than the common market price, and they generally supported a laissez-faire philosophy" (p. 37). If this is true, why is Smith the founder of economics?

Admittedly, this is a matter of interpretation. The same cannot be said of a number of other assertions our author makes. Ever alert for the colorful detail, Mr. Skousen notes that Thomas Carlyle said of Adam Smith, "He was the most absent man I ever knew" (p. 32). I hope Skousen will not think me unduly critical if I question whether Thomas Carlyle said this. Smith died in 1790, and Carlyle was not born until 1795. Skousen provides both of these dates elsewhere in the book, but he does not notice the problem they create for his anecdote.

Perhaps Skousen can at least partially shift the blame for this error away from himself. He cites as his source a book by E.G. West, an eminent authority on Smith. But if one looks up the reference, one will find the remark attributed to "Dr. Carlyle." I suppose that for Skousen, one Carlyle is the same as another.

Skousen's mistake is no isolated gaffe. He states: "In the eighteenth century . . . the English writer Thomas Hobbes rightly called the life of man 'solitary, poor, nasty, brutish, and short'" (p. 13). Amazingly, Skousen thinks that Hobbes is describing life before the Industrial Revolution,



rather than conditions in the state of nature. Did it ever occur to Skousen that Hobbes was a political theorist attempting to discern the conditions of political order, rather than an economic historian describing the state of the economy? And although he includes in brackets the correct date, 1651, of *Leviathan*, this does not prevent him from claiming that Hobbes wrote in the eighteenth century.

Matters do not improve when one reaches the nineteenth century. We learn that Malthus had to abandon his career as a clergyman when he decided to marry, because the Church of England “required celibacy” (p. 71). Of course it does not. William Temple, an archbishop of Canterbury, was the son of another occupant of that office. It is no doubt commendable of Skousen to take note of Ekelund and Hébert’s thesis that Jules Dupuit was a pioneer of modern microeconomics; but did it occur to him to take a second look at the dates he gives for Dupuit: 1842–1942? (p. 169). One must, though, give Skousen credit for discovering a hitherto unknown economist: one “Senior Nassau” (p. 24; also p. 24, n. 4). Elsewhere he refers, correctly, to Nassau Senior (p. 187). Both names have entries in the index.

Well, you may say, perhaps Skousen does not have a good eye for historical detail; but does he not explain the main economic theories with exemplary clarity? I am afraid not. He completely fails to grasp the central point of Marx’s labor theory of value. As Skousen presents matters, “If indeed all value was the product of labor, then

all profit obtained by capitalists and interest by landlords [don’t landlords collect rent?] must be ‘surplus value,’ unjustly extracted from the true earnings of the working class . . . capital was nothing more than ‘frozen’ labor and . . . consequently, wages should absorb the entire proceeds from production” (pp. 149–50).

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Marx of course rejected capitalism, but his labor theory of value does not aim to show by itself that this system is unjust. Quite the contrary, Marx endeavored to answer the question of how, under capitalism, capital can earn interest. If, as the labor theory assumes, the value of goods is determined by the socially necessary labor time required to produce them, how is profit possible? I do not think it here the place to delve into the murky distinction between labor and labor power, by which Marx attempts to solve his problem; but of all this, Mr. Skousen seems unaware. Neither is it the case that under socialism, as Marx

conceived it, all proceeds would go to the workers. Marx explicitly recognized the need for investment funds under socialism.

Further, where does Skousen derive the incredible contention that, for Marx, capitalism is a synthesis between slavery and feudalism? He also thinks that communism is a synthesis that results from the struggle between capitalism and socialism (p. 152).

It is admirable for Mr. Skousen to present the philosophical background of the various economic theories he considers, but he really ought to have acquired some elementary knowledge of the subject before passing on his wisdom to others. Bentham did not propose pleasure and pain as a substitute for good and evil in the battle of life, as Skousen appears to think (p. 120); he defined the good as what tends to produce pleasure. G.E. Moore did not preach “a disregard for morals and universal rules of conduct” (p. 325). In point of fact, Moore stressed the need strictly to observe general rules, because of the difficulty in calculating the consequences of particular actions.

Let us, finally, proceed to the economists of the twentieth century. Skousen thinks that Schumpeter, “one of Mises’s most illustrious students, rejected his teacher’s thesis [about socialist calculation]” (p. 415). In fact, the two were fellow students at the University of Vienna, and Schumpeter obtained wide recognition as an economist before Mises.

Our scholarly author has serious reservations about Mises. He claims:

“Mises’s adamant refusal to use empirical studies to make the case for the free market is one reason the Austrian school has floundered and been left behind in an era when empirical work and quantitative studies have advanced the cause of economics” (p. 314). He alleges that Rothbard differed on method with his teacher Mises, since

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“he collected and interpreted a wide range of historical data to support the Austrian explanation of the Great Depression” (p. 314).

What nonsense! Of course Mises did not reject the use of historical accounts to illustrate economic laws. If Skousen will glance at *Human Action*, he will find penetrating remarks about the fall of the Roman Empire, the Industrial Revolution, and much else. Mises did think that the theorems of praxeology neither required nor admitted of historical proof; but this hardly constitutes a repudiation of history.

Oddly enough, after condemning Mises for his alleged neglect of history, Skousen says “there is method in Mises’s madness” (p. 314). He proceeds to give a quite serviceable account of Mises’s arguments against testing economic laws by controlled experiment. Can our author remember what he writes from one moment to another?

Skousen also criticizes Mises for “obstinate refusal to integrate himself into the modern economics community after World War II” (p. 302). He finds Rothbard guilty of the same offense: “he made the costly mistake of staying outside the discipline” (p. 382). Did it ever occur to Skousen that the mainstream of the economics profession excluded Austrian ideas from consideration in the years after World War II? Does he think that Mises and Rothbard regularly turned down chairs at Harvard, Princeton, and Yale? I withdraw these questions; to ask what Skousen thinks of anything is a futile task. ♦

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THE INDEFENSIBLE ABE

*A New Birth of Freedom:
Abraham Lincoln and the
Coming of the Civil War*

HARRY V. JAFFA
ROWMAN AND LITTLEFIELD, 2000
XIV + 549 PGS.

Professor Jaffa has set himself a difficult task. He presents Abraham Lincoln as a champion of freedom for all. Not for Honest Abe the virulent racist sentiments of his contemporaries about blacks. Quite the contrary, his lodestar was the clause of the Declaration of Independence that tells us “all men are created equal.” Far from being a mere man of his time, Lincoln ranks with Socrates as a political philosopher.

Our author must here confront a small problem. Did not Lincoln make a number of statements that suggest his commitment to equality for blacks was far from complete? Jaffa acknowledges that “in the debates with [Stephen A.] Douglas, Lincoln reiterates that he is not, and never has been, in favor of bringing about a perfect social and political equality between blacks and whites” (p. xii).

In order that we may fully appreciate Jaffa’s ingenious resolution of his difficulty, it will be helpful to have

some of Lincoln's remarks in more complete form: "There is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race." (See on this whole question Lerone Bennett's very useful *Forced Into Glory*. The passage from Lincoln is quoted there on p. 208.)

How can someone who says this be regarded as a believer in equality between blacks and whites? Our author at once dissolves the difficulty: Although Lincoln says that he is not, and never has been, in favor of equality, "[h]e never says that he will not be" (p. xii). No doubt, then, the quotation just offered would leave Mr. Jaffa untroubled. Lincoln says that the physical difference will "forever" forbid social and political equality between blacks and whites. But he does not say that it will forever be true that these physical differences will forever have this effect. Hence he believes in equality. What could be simpler?

Has not Mr. Jaffa given us a marvelous hermeneutic tool? Let us see how well we can apply what our author has taught us. He tells us: "Lincoln is perhaps the greatest of all exemplars of Socratic statesmanship" (p. 368). Is not the meaning of this statement obvious? Jaffa does not say that he will in future believe that Lincoln manifested

Socratic excellence. Of course, then, Jaffa is really telling us that Lincoln opposes whatever Socrates defended. And far from enlisting Lincoln in the egalitarian army, is not Jaffa really telling us that Lincoln is a racist of Hitlerian scale? Note carefully that Jaffa does not say that he will in future believe that Lincoln supported equality.

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But have I not resorted too readily to mockery? It is easy to parody Mr. Jaffa's reluctance to admit flaws in his Prince Charming, but surely his book raises an issue that classical liberals must confront. Have we supported the wrong side in the Civil War? From Lord Acton to Murray Rothbard, the leading classical liberals have embraced the cause of the Confederacy. Lincoln, in their view, was a faithful votary of Leviathan. By a bloody crusade that cost vast numbers of lives, he crushed those who dared resist centralizing power. In so doing, he ended the Old Republic, in which states' rights drastically curtailed the scope of the national government.

Jaffa raises against this view an objection that compels attention. The

libertarian outlook rests squarely on a fundamental Lockean insight: Each person is the rightful owner of his own body. As such, slavery is of course ruled out. Was it Lincoln or his Southern opponents who accepted the key libertarian axiom?

Surely, our author claims, the honors go to Lincoln. He rejected slavery as illegitimate, precisely because it contravened the inalienable right to liberty possessed by blacks as well as whites. The leading lights of the Confederacy, to the contrary, denied the universal scope of self-ownership. In the famous "Cornerstone" speech, to which Jaffa attaches enormous importance, Alexander Stephens claimed that the Confederacy had overthrown the equality clause of the Declaration of Independence. The newly inaugurated Confederate vice president stated that "our government is founded upon exactly the opposite idea; its . . . corner stone rests upon the great truth that the negro [*sic*] is not equal to the white man" (p. 222, quoting Stephens).

I am here trying, with characteristic fairness, to present Jaffa's argument as strongly as I can. But enough is enough. I cannot forbear from one illustration of our author's peculiar way with ideas. Speaking of Stephens's belief that science demonstrated blacks to be inferior, Jaffa writes: "One can only surmise that Darwin's *Origin of Species*, published in 1859, may have been on his mind. Yet there is nothing in that work bearing directly on the question of Negro equality" (p. 224). Mr. Jaffa rather understates the case.

Darwin's book is not about human evolution at all. But even if one takes what he says at face value, Jaffa's insouciance is nothing short of breathtaking. What he in essence says is: "Here is my surmise; the evidence contradicts it." But this is by the way.

If Lincoln championed self-ownership against slavery, should not classical liberals defend rather than revile him? Further, Jaffa claims, the Union established by the U.S. Constitution did not allow secession. The rebel states refused to accept the legitimate results of a democratic election. In their rejection of majority rule, they again defied the Lockean principles that Lincoln did his best to uphold.

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Such, in essence, is Jaffa's case. It seems to me to fail at every point. For one thing, Lincoln's commitment to self-ownership amounts to less than one might at first sight imagine. By no means did Lincoln think that blacks were unconditionally entitled to freedom.

Quite the contrary, he repeatedly pledged after his election as president that he would do nothing to interfere with slavery in the states where it existed. In his First Inaugural, e.g., he said: "I do but quote from one of those [earlier] speeches when I declare that 'I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe that I have no lawful right to do so, and I have no inclination to do so'" (p. 261). Lincoln did strongly oppose extension of slavery to the territories, but he sharply distanced himself from the abolitionists.

Why, then, does Jaffa make such a fuss over Lincoln's alleged commitment to self-ownership in the style of John Locke? Why is Lincoln to be preferred to his Southern opponents? So long as the Union remained intact, Lincoln avowed himself willing to enforce the Fugitive Slave Law. What sort of Lockeanism is this?

Here we reach the heart of things. Jaffa's version of self-ownership is hardly recognizable to libertarians. As he sees matters, a group of self-owners form a society by unanimous agreement. They accept majority rule as a principle of decision; since this acceptance rests on everyone's agreement, it is consistent with individual autonomy. If you refuse to obey a properly constituted majority, you may be compelled to do so. How can you rationally object? You are merely being forced to carry out your promise to abide by majority rule.

But what if you say that you no longer wish to belong to the society

whose majority has decided against you? Do you not have a basic right to depart? Not necessarily, our author tells us. If you deny that someone else owns himself, you forfeit all your own rights.

Applied to the situation in 1861, the departing Southerners stood guilty of supreme sin. Because they, or at least those among them whom Jaffa elects to quote, viewed slavery as a positive good, they forfeited their

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rights. Lincoln then acted with full propriety in his endeavor to thwart their efforts to depart from the Union. Unlike the revolutionaries of 1776, the Confederates could make no valid appeal to the right of self-government. This right does not exist for those who deny to anyone the right to liberty.

To grasp Jaffa's point fully, one must avoid a misstep. The fault of the South was not that slavery existed within its borders. On this ground, one might deny rights to several of the Northern

states as well. Indeed, would not Lincoln himself be suspect, since in his First Inaugural he promised to respect slavery where it existed? Rather, the fatal step was that some Southerners no longer regarded slavery as a necessary evil. Had they said that slavery was a temporary expedient; had they professed themselves in fear of the violence that blacks too hastily freed might inflict upon them; or had they tied gradual and compensated emancipation to expulsion of the blacks from the United States, all would have been well.

Is this not totally bizarre? Simply because one avows the wrong verbal formula, one's rights are erased. You may hold slaves with Jaffa's and Lincoln's best wishes, so long as you do not declare your practice a good thing.

What manner of self-ownership rights do we have here? How can it be that a Lockean in good standing need not be committed to the immediate abolition of slavery? We here reach the core of Jaffa's view of morality. The notion that a moral principle commits

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you to an absolute course of action is "Kantian" and as such beyond the pale. Instead, all is subordinate to prudence. Applied to the concrete historical situation in 1861, Lincoln, as the all-wise statesman, was free to act as he thought prudent. Since he mouthed with endless repetition the proper litany, he fulfilled all that morality required.

Do you suspect me of exaggeration? Let us see our author in action without interference from me. Against Chief Justice Taney, who argued that if the equality clause of the Declaration of Independence was intended to apply with full legal force to blacks, the signers would have acted at once to end slavery, Jaffa waxes indignant: "Taney's pseudo-Kantian attempt to infer the 'true' meaning of the Declaration from the failure of the Founders to abolish slavery would have been merely ludicrous. . . . The Declaration itself endorses the dictates of prudence, thereby endorsing a prudential morality that is the very antithesis of Kant's categorical imperative" (p. 297).

Once more, then, Jaffa's position is as clear as it is repellent. Moral principle commits you to nothing in particular; all stands under that infinitely elastic catchword "prudence." But one piece in the puzzle is missing. If Jaffa empties morality of its practical force, why does he regard the continued reiteration of Lockean liberties as so important? Why, in particular, is it so vital a matter that certain Southerners chose the wrong verbal formula to defend their policies toward blacks?

Our problem may be resolved by a glance at Lincoln's First Inaugural. He tells us: "the central idea of secession, is the essence of anarchy" (p. 279). For him, the idea of secession refutes itself; do the Southerners not realize that eventually, dissidents will seek to leave the Confederacy, with the end result a group of small territories? Do the dissatisfied states not see that their course of action strikes at the existence of a strong and powerful nation?

Jaffa goes on at enormous length to support Lincoln's absurd claim that the Union preceded the states.

Here we see what really troubled Lincoln. Like his Prussian contemporary Otto von Bismarck, he sought a powerful, centralizing state. The Constitution stood in his way, since under a widely held view, the states had the right to depart from a compact they had joined as sovereign entities. Hence Lincoln's moralizing rhetoric, enthusiastically seconded by Jaffa. It committed him to nothing as regards the slaves, but it provided a screen behind which his transparently flimsy efforts

to deny the right of secession could proceed.

Jaffa goes on at enormous length to support Lincoln's absurd claim that the Union preceded the states. Yet at times he drops his guard, and he is constrained to admit that the states, at the time they ratified the Constitution were sovereign. Thus, he contends that the central authority under the Articles of Confederation did not rank as a genuine government. "Under the Articles of Confederation, the Congress possessed no powers of its own by which to execute its laws" (p. 376).

But, one might counter, was not the very point of the Constitution to change this situation? No doubt; but the issue at hand lies elsewhere. At the time the states contemplated ratification of the Constitution, they resumed their complete powers of sovereignty. Since the Articles of Confederation were no longer in force, literally nothing stood between a state and full authority. Of course, it is open to Jaffa to contend that once a state ratified the Constitution, it abandoned its sovereignty. But Lincoln's tendentious account of the origin of the states cannot be used in favor of his antisecessionist line. Precisely to distract attention from the weakness of the legal case against secession, and to hide the real motive of power that underlies Lincoln's policy, Jaffa constructs his spurious moral argument.

In view of the fact that Lincoln's morality, as expounded by Jaffa, does nothing to limit power, Jaffa's tasteless remarks about the late M.E. Bradford are astonishing. He compares Bradford,

an outstanding Southern man of letters, to Hitler. "Bradford and Hitler agree with the Lincoln of the House Divided speech, that America, on the eve of the Civil War, stood at a divide between 'a great new social order based on slavery and inequality' [a remark allegedly made by Hitler] and one based on the principles of the Declaration. They only disagree with Lincoln as to which choice ought to have been made" (p. 503, n. 10).

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Because Bradford dared question egalitarian dogma, Jaffa accuses him of support for a social order based on slavery. (In this context, it is but a minor issue, though worth noting, that the veracity of the volume by Hermann Rauschning on which our author relies for his quotation from Hitler is much in doubt. Of the controversy surrounding Rauschning he seems blissfully unaware.) Of course Bradford did not view the Confederacy as an incipient Third Reich. It is not Bradford but his critic who subordinates morality to power.

Even his harshest critic must grant Mr. Jaffa that he has carefully studied Lincoln's words, which to him constitute a veritable Holy Writ. When he strays outside St. Abraham's purview, though, he sometimes slips. He informs us that Shakespeare's *King John* is set in the thirteenth century—the age "of papal supremacy within the Holy Roman Empire, of which Great Britain was a part" (pp. 14–15). Perhaps Mr. Jaffa would be good enough to give us the dates in which Britain was part of the Empire. Also in error is Jaffa's claim that Henry VIII wanted the pope to grant him a divorce from Catherine of Aragon (p. 19). Henry sought an annulment. The Holy Alliance did not defeat Napoleon; it was not formed until after Napoleon's final ouster (p. 84). ♦

THE TRULY GREAT GENERATION

*Storm on the Horizon:
The Challenge to American
Intervention, 1939–1941*

JUSTUS D. DOENECKE
ROWMAN AND LITTLEFIELD, 2000
XIX + 551 PGS.

Justus Doenecke's careful study of the opponents of American entry into World War II makes evident that the noninterventionists had a

clearer grasp of essential truths about American foreign policy than their eager-for-war opponents. As our author shows, positions within the group varied widely; but on certain key points, a consensus emerged. Most basically, they maintained that the dominant aim of American foreign

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policy should be the protection of the United States. Only in case of a direct military threat is war justified; otherwise, a belligerent policy should be avoided.

Because of the vicious nature of the Nazi regime, almost all Americans viewed German military success in the early stages of the war with misgiving. The noninterventionists fully shared this aversion to the Third Reich and its *Führer*. Oswald Garrison Villard, an opponent of intervention long associated with *The Nation*, bitterly protested Nazi persecution of the Jews. He stated: "The Jews are treated literally as no German would be allowed under the law to treat a dumb animal" (p. 13).

Nor was Villard alone among non-interventionists with these sentiments. "Not since Genghis Khan and Attila, suspected Hugh Johnson in January, 1940, had there been such barbarism. Herbert Hoover . . . called for the creation of a new refugee state in Central Africa" (pp. 13–14).

But it does not follow from the undoubted evil of the German regime that it posed a military threat to the United States. Unless it did, the opponents of war maintained, war should be avoided. To this contention, supporters of intervention replied in two ways. First, they challenged the premise of the argument. Even if the Nazis posed no direct and immediate threat to the United States, were there not grounds to work actively for the elimination of their regime? Second, conceding their opponents' premise that only danger to the United States justifies a policy of belligerence, some interventionists claimed that Germany did indeed directly threaten our country.

To the first contention, the noninterventionists had a ready if controversial response. The premise "the existence of a sufficiently horrendous regime is by itself grounds for intervention" proves too much. The Nazi regime was not the only morally awful government in the world. What about Soviet Russia? "The *Chicago Tribune* found him [Stalin] possessing an 'unparalleled record of brutality and treachery'; he was 'the man responsible for more human misery than an since the Mongolian invasions.' . . . By 1941, [Senator Hiram Johnson] was saying of the Russian dictator, 'The

greatest blood-letting that ever was committed on this earth occurred through him'" (p. 214).

But what about the victims of Nazi persecution? Here the defenders of peace had a point of the utmost relevance. How would an intensification of the war in any way help the victims? Would not the best way to abate persecution be to help negotiate a speedy end to the war? One of the most militant noninterventionists, Lawrence Dennis, maintained that "[w]ere America truly humanitarian . . . it would persuade the Allies to 'stop the war'" (p. 56).

Those anxious for war pressed another argument. The power of the Nazis posed a direct threat to the United States. To counter them involved, not soppy humanitarianism, but hardheaded realism. Should we wait until Germany fully dominated Europe before acting against her? Why allow one's enemy to build itself into a power of invincible might?

The anti-interventionists answered here with a point of great depth. The fears of German invincibility stemmed from her success in the first two years of the war. After the German invasion of Russia, June 22, 1941, most military experts predicted swift Soviet collapse. Would not a victorious Reich then dominate Europe?

Here the noninterventionists' distaste for war led them to challenge an assumption of the argument just presented. Is it the case that the possession of large territories gained through conquest strengthens a nation? This is

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by no means certain. "To some Roosevelt foes, massive German conquests of the Soviet heartland really aided the United States and Britain, not threatened them. Late in June [1941], [Robert A.] Taft found the invasion postponing for many months any attack Hitler could possibly make on the U.S. . . . Even a victorious Hitler, such anti-interventionists kept saying, would not have it easy. Representative [Robert] Chipfield stressed that the German leader needed to rest his troops, replace lost planes, and police a vast area before turning his attention again to England and Western Europe" (pp. 221-22).

Besides, why assume that Hitler had hostile intentions toward the United States? No doubt he wished Germany to be the dominant power in Europe, but what followed from this as regards America? Interventionists such as Walter Lippmann conjured up a Nazi threat to invade the United States through Latin America, but they failed to back their expressions of panic with evidence.

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But suppose the interventionists were correct; what if Hitler had designs on the United States? Would the proper course of action then be to send as much aid as possible to Britain and Russia, as groups such as the Committee to Defend America by Aiding the Allies urged? Once more the opponents of war located a dubious premise. If the United States was at risk, would it not make more sense to build up our defenses rather than ship arms and supplies to other nations?

Here the noninterventionists echoed a theme prominent in the military during the initial months of 1940. "Chief of Staff George C. Marshall in particular objected to expending American matériel in what appeared a hopeless cause. He vetoed the sale of any fighter plane requested by Churchill, disapproved of any ship transfer, and agreed only to send rifles, machine guns, and field pieces left over from World War I" (p. 105).

Professor Doenecke has written a very self-effacing book. He confines himself to a detailed narrative of the arguments advanced by the major

noninterventionists, with little in the way of comment of his own. He clearly brings out their powerful case; unfortunately they did not prevail against Roosevelt's machinations. Doenecke has devoted a lifetime of scholarly study to his topic, and all future work on the noninterventionists must take account of this book.

I noted a few mistakes: The Soviet Union invaded eastern Poland on September 17, 1939, not September 27 (p. 13). Doenecke has the wrong Sir Arthur Salter; the man he refers to was an economist and official of the League of Nations, not the British jurist of the same name (p. 31). Sir Nevile Henderson's first name is misspelled (p. 199), as is Gandhi's *satyagraha* campaign (p. 206). It was not Marx who called anti-Semitism "the socialism of fools" (p. 56). ♦

KNOCKOUT PUNCH

Hustler: The Clinton Legacy

JOE SOBRAN
GRIFFIN COMMUNICATIONS, 2000
XX + 263 PGS.

Ann Coulter is entirely right. She says in her foreword to Joe Sobran's devastating assessment of Bill Clinton that "[e]very once in a while, I think I'm a reasonably competent writer. And then I read a Sobran column" (p. xi). Mr. Sobran has the

enviable gift of saying things unforgettably.

He penetrates to the essence of reams of commentary on Bill Clinton in this way: "Can you identify the speaker of the following words? 'I've known Bill Clinton since we went to

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school together, and I've never known him to lie. Just the opposite. I've known him to tell the truth many, many times, even when it could cost him. As far as I know, he's always been a faithful husband. . . . I can't imagine him doing any of the things he's being accused of.' The correct answer is 'I give up.' Nobody ever spoke those words, and nobody in his right mind would" (p. 172).

Mr. Sobran at once puts Clinton's defenders in a ridiculous position, by showing how absurd it is to think of Slick Willie as honest. Again displaying his unerring eye for the telling detail, he notes Al Gore's response to the accusation that Clinton raped Juanita Broaddrick. "Al Gore, far from doubting its truth, merely said Clinton

should be forgiven for 'mistakes in his personal life.' It was perhaps the most revealing remark about Clinton to emanate from the closed circle of his sycophants" (p. xvi).

In a move of desperation, a defender of the impeached president might claim that all this shows only that people habitually misjudge him, but surely this path leads nowhere. Bill Clinton, it is clear, is what the late Revilo Oliver would call a scabrous lout. But why does this matter? Why should the failings of Clinton's personal life be of interest to anyone except collectors of scandal?

Mr. Sobran argues that the rise to power of someone of Clinton's character illustrates a structural flaw in the current American conception of politics. How can one expect an honest person to be elected president if the very purpose of government is to extort money? "Of course Bill Clinton has never thought of himself as cynical. Like most politicians who, with vicarious generosity, take credit for benefits paid for by others' taxes, he thinks of himself as a benefactor. The necessary role of force and extortion in government-provided benefits, which inevitably require some to support others, never troubles him" (p. xviii).

Mr. Sobran brings home the key issue far better than I can: "Liberals were quite right to accuse conservatives of being 'obsessed' with Communism. What they never realized was that everything they wanted the federal government to do required that obsession. Only such a national obsession can keep up the morale the super state

requires. Lyndon Johnson could never have passed the Great Society programs liberals loved without waging the cold war liberals hated” (p. 41).

To review Joe Sobran is both easy and difficult. Easy, because all you have to do is quote him; but difficult, if you aim at a review that is more than a pastiche of quotations. Two more examples of his powers of discernment must here suffice. He finds suspect the claims of feminists to be “pro-choice” about abortion. If they in fact support freedom of choice, why do they say nothing to condemn compulsory abortions in China? “These people are no more ‘pro-choice’ about abortion than they are pro-choice about home schooling or the income tax. They are pro-abortion, and they are willing to countenance the denial of choice to a woman who wants her baby” (p. 55).

Again and again, Mr. Sobran throws an issue into new light. He says that Joe “McCarthy’s real sin was a sin of omission. He fingered a lot of Communist and pro-Communist small fry who had wormed into the government during the Roosevelt administration, but he never dared to finger the real villain: Franklin Roosevelt himself . . . the best friend Stalin and the Soviet Union ever had. When I think of him, I almost pity Alger Hiss for taking the rap” (pp. 3–4).

To readers who fear that I have abandoned my critical ways, I bear good news. I believe that at one point I have caught Mr. Sobran out. In the course of an excellent criticism of excessive legislation, he writes: “How many laws should a society have? Is

there such a thing as too many? When these questions aren’t even raised, it’s a cinch that the laws have already far exceeded the requirements of justice. Which can only mean that most of them are unjust” (p. 107).

To review Joe Sobran is both easy and difficult.

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The last sentence does not follow, as the following example will I hope make clear. Suppose that ten thousand people arrive at the same time at a branch of McDonald’s. The restaurant bursts at the seams and can serve no one. From the fact that the restaurant suffers from massive overcrowding, it does not follow for any given person that he is there when he should not be. All we know is that so many people should not be there at once.

In like manner, the existence of legal overcrowding does not show that any law taken singly is unjust. There are just too many of them. But this is of course only a minor point, and I have mentioned it only to keep my hand in. By all means, read this sparkling and deeply considered book. ♦

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